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Our File No. 09800080-0035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mary E. Gerritsen, et al.

Serial No. 09/865,859

Filing Date: May 25, 2001

For Method of Inhibiting Angiogenesis

Examiner Sabiha Naim Qazi

Group Art Unit No. 1616

TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is:

- ☒ Credit Card Payment Form
- ☒ Petition And Fee For Extension Of Time (37 CFR § 1.136(a)) (in duplicate)
- ☒ Amendment
- ☒ Information Disclosure Statement
- ☒ PTO-1449
- ☒ No additional fee is required for additional Independent, Dependent or Multiple Dependent Claims.

					Small Entity		or	Other Than A Small Entity	
	Claims Remaining After Amendment		Highest No. Previously	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
Total	18	Minus	29		x 9 =	\$		x 18 =	\$ 0
Indep.	2	Minus	4		x 42 =	\$		x 84 =	\$ 0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					x 140 =	\$		x 280 =	\$ 0
Total Additional Fee						\$		Total	\$ 0

- ☒ The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 19-3140. A duplicate copy of this sheet is attached.

Respectfully submitted,

Paul E. Rauch, Ph.D.
Registration No. 38,591
Attorney for Applicants

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AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action of May 15, 2002, Applicants respectfully request reconsideration in light of the following amendments and remarks.

In the Claims

Please cancel Claims 19-29, without prejudice to its further prosecution in a Divisional and/or Continuation application.

Please amend Claim 12 as follows:

- A 1
12. (Amended) A method of inhibiting angiogenesis in a patient, comprising:
- (a) identifying a patient with a disease or disorder susceptible to angiogenesis inhibition selected from the group consisting of a neoplasm, rheumatoid arthritis, psoriasis, atherosclerosis, thyroid hyperplasia, endometriosis, lung inflammation, obesity, and chronic inflammation; and
 - (b) administering an angiogenesis inhibiting amount of a PPAR gamma ligand, wherein angiogenesis is inhibited in the patient.

Try novel disease?

SUPPORT FOR AMENDMENT

The amendment to Claim 12 is supported by the specification, page 8, lines 7-21. No new matter has been added. Upon entry of this amendment Claims 1-18 are present in the application.

A version of the amended claim, indicating insertions by underline, is attached with this response.

REQUEST FOR RECONSIDERATION

Applicants would like to thank Examiner Qazi for arranging a discussion with Examiner Clardy in her absence. Applicants would also like to thank Examiner Clardy for the helpful and courteous discussion held with Applicants' representative on November 6, 2002. During this discussion Applicants' representative noted that the inhibition of angiogenesis is a treatment appropriate for disorders beyond certain cancers, and furthermore is not appropriate for many forms of cancer. It was also noted during the discussion that Urban, et al. only describes that troglitazone inhibits steroidogenesis and applies this compound only to cell lines; there is no indication that this compound has any effect on angiogenesis. Finally, it was also noted that the present claims specify (or would be amended to specify) an identification of a patient in need of an angiogenesis inhibitor, or having a disease or disorder susceptible to angiogenesis inhibition.

Angiogenesis is the growth and formation of blood vessels. A variety of diseases and disorders, such as rheumatoid arthritis, psoriasis, atherosclerosis, lung inflammation, obesity, as well as cancer tumor growth and metastasis, can be treated with an angiogenesis inhibitor. The present invention makes use of the discovery that a PPAR gamma ligand is an effective angiogenesis inhibitor.

The rejection of the claims under 375 U.S.C. §102 over Urban, et al., or under §103 over Urban, et al. and Cushman, et al., is respectfully traversed. The applied references are silent about troglitazone or a PPAR gamma ligand having any effect on angiogenesis, while the claimed invention includes identifying a patient in need of an angiogenesis inhibitor, or having a disease or disorder susceptible to angiogenesis inhibition.

Urban, et al. describe troglitazone and related compounds for the treatment of climacteric symptoms. Described is that troglitazone and related thiazolidinedione compounds inhibit steroidogenesis in granulosa cells, and that troglitazone can kill rapidly growing cancerous cells expressing the orphan nuclear receptor PPAR gamma, while not affecting the viability of normal cells (column 2, lines 65 - column 3, line 5). The examples describe treating cell lines with troglitazone; no actual tumors or patients having cancer are treated. Examples 7 and 8 are prophetic, and were not actually carried out. There is no description or suggestion of the inhibition of angiogenesis. Furthermore there is no identification of patients in need of an angiogenesis inhibitor, nor identification of patients having a disease or disorder susceptible to angiogenesis inhibition.

Cushman, et al. describe that angiogenesis is the formation of new blood vessels; there is no suggestion that troglitazone or PPAR gamma ligand may inhibit angiogenesis.

As now claimed, the present invention specifies identifying a patient in need of an angiogenesis inhibitor, or having a disease or disorder susceptible to angiogenesis inhibition. Urban, et al. fail to describe or suggest identifying patients in need of an angiogenesis inhibitor, or having a disease or disorder susceptible to angiogenesis inhibition. Cushman, et al. have only been cited for the definition of angiogenesis. Accordingly, Applicants submit that there is no description or suggestion in the applied references to the claimed method. Applicants submit that the claimed invention is therefore neither anticipated by, nor obvious over, the applied references. Withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is respectfully traversed. Applicants agree that the term "comprising" is open and does not exclude unrecited steps. However, this does not render the metes and bounds of the claims indefinite. Withdrawal of this ground of rejection is respectfully requested.

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Applicants submit the application is now in condition for allowance. Early notice of such action is earnestly solicited.

Respectfully submitted,



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